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5 CHRISTOPHER RYAN BUSBY

6 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 CHRISTOPHER RYAN BUSBY,

11 Defendant.

Case No.: 2:15-cr-00353-GMN-NJK

**STIPULATION TO CONTINUE
EVIDENTIARY HEARING**

(Second Request)

12
13 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
14 United States Attorney, and Nadia Ahmed, Assistant United States Attorney, and Angela Dows,
15 Esq., counsel for the Defendant, Christopher Ryan Busby, that: (a) the evidentiary hearing
16 regarding Defendant's Motion Pursuant to 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct
17 Sentence by a Person in Federal Custody (ECF No. 184), currently set for May 1, 2024, along
18 with (b) the deadline for the joint preliminary brief, be vacated and continued to a date and time
19 convenient to the Court, but no sooner than sixty (60) days.

20 This Stipulation is entered into for the following reasons:

21 1. On October 10, 2023, the Court issued an Order denying Busby's motion in part
22 and preserving for evidentiary hearing certain of his claims relating to alleged ineffective
23 assistance of his defense counsel (ECF No. 203).

2. Pursuant to the parties' request, the Court set the evidentiary hearing for February
29, 2024. (ECF No. 207).

1 3. The parties subsequently submitted a stipulation to continue the evidentiary
2 hearing (first request), with a continued evidentiary hearing date of May 1, 2024. (ECF No. 212).

3 4. The Court ordered the parties to submit a joint preliminary brief listing the
4 witnesses the parties intend to call, and explaining the issues the parties intend to clarify and
5 develop at the hearing, which currently has a due date of on or before April 17, 2024.

6 5. Counsel for the defendant has requested access to certain electronic discovery,
7 and was approved funds as well as hired a computer forensic expert in the matter.

8 6. Without disclosing a level of detail that may include work product, said expert
9 has not yet been able to complete its review of the discovery and complete the work anticipated
10 in the case. Said computer expert is still in the review process. Due to the nature of the case, a
11 review of the underlying computer information requires an appointment at a facility in which
12 the information is stored at a work station with law enforcement. Said expert has been able to
13 coordinate one appointment and review as of April of 2024, and is in the process of obtaining
14 another date to review the information at the law enforcement facility.

15 7. Additionally, without revealing details as to the same, defendant's retained
16 investigator was out of the state on another assignment in April of 2024 and is anticipated to
17 interview additional witnesses in this matter prior to the evidentiary hearing.

18 8. Counsel for defendant also anticipates conferring with the government on one or
19 more discovery items and claims in the case, and prior to the preparation for the hearing or joint
20 preliminary brief.

21 9. The defendant is in custody and agrees with the need for the continuance.

22 10. Additionally, denial of this request for continuance could result in a miscarriage
23 of justice.

11. This is the second request for a continuance filed herein.

12. Accordingly, the parties request a sixty (60) day continuance of the hearing date and joint preliminary brief.

DATED this 15th day of April 2024.

Respectfully submitted,

JASON M. FRIERSON
United States Attorney

/s/ Nadia J. Ahmed
NADIA J. AHMED
Assistant United States Attorney

/s/ Angela H. Dows
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Attorney for **CHRISTOPHER BUSBY**

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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 CHRISTOPHER RYAN BUSBY,

11 Defendant.

Case No.: 2:15-cr-00353-GMN-NJK

ORDER

12 IT IS THEREFORE ORDERED that the evidentiary hearing scheduled for Petitioner
13 Christopher Ryan Busby's Motion to Vacate, Set Aside, or Correct Sentence Under 28 U.S.C.
14 § 2255 (ECF No. 184), currently scheduled for May 1, 2024, be vacated and continued to
15 _____ July 1, 2024, _____ at the hour of ____ 9:00AM ____.

16 IT IS FURTHER ORDERED that the deadline for filing the joint preliminary brief be
17 continued to _____ June 17, 2024 _____. The parties are further advised that their
18 joint preliminary brief must include a list of the witnesses expected to be called by each party
19 and all exhibits intended to be used during the hearing.

20 DATED this 15 day of April, 2024.

21 
22 _____
23 UNITED STATES DISTRICT JUDGE